



Norfolk Southern Corporation
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Norfolk, Virginia 23510-2191



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November 15, 2007

Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

220780

RE: Docket No AB-290 (Sub-No. 291X), Norfolk Southern Railway Company -
Abandonment – in Marion, Grant County, Indiana

Dear Mr. Williams:

Enclosed please find the additional comments of the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology, with regard to the above referenced abandonment proceeding.

Very truly yours,

Kathy C. Headrick

Kathy C. Headrick

Enclosure

cc (w/encl) Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board

DNR

Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
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October 29, 2007

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191



Federal Agency: Surface Transportation Board

Re. Response to request for additional project information regarding abandonment of 3.91 miles of rail line between mileposts TS 153.10 and TS 157.01 [STB Docket No. AB-290 (Sub-No. 291X); DHPA #2900]

Dear Mr. Kirchner:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated October 1, 2007 and received on October 5, 2007 for the above indicated project in Marion, Grant County, Indiana.

We noted the change in the project area to 3.66 miles of rail line from milepost TS 153.35 to milepost TS 157.01. Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the proposed project area.

This identification is subject to the following condition:

- The project activities remain within areas disturbed by previous construction.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

In regard to buildings and structures, we have identified the following properties (per the 1993 *Grant County Interim Report*) within the probable area of potential effects, and we believe that they may meet the criteria of eligibility for inclusion in the National Register of Historic Places:

Toledo, St. Louis and Western Depot, 406 E. 4th St., Site #053-384-37197
House, 938 S. McClure St., Site #053-384-37286
House, 2826 S. Washington St., Site #053-384-37436

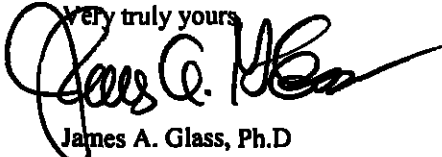
Based on the information provided to our office, we do not believe that there will be any alterations to the characteristics of the above identified historic properties qualifying them for inclusion in or eligibility for the National Register (see 36 C.F.R. § 800.16(i)).

Upon completing its own identification and evaluation efforts, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the Surface Transportation Board may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. 800.5

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Amy Johnson at (317) 232-6982 or ajohnson@dnr.IN.gov. If you have questions about buildings or structures please contact Chad Slider at (317) 234-5366 or cslider@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #2900.

Very truly yours,



James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG CWS ALJ aj

cc Elaine K. Kaiser, Surface Transportation Board